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REQUEST FOR THE INCLUSION OF AN ITEM IN THE PROVISIONAL AGENDA OF THE FIFTIETH SESSION

CONSIDERATION OF THE EXCEPTIONAL SITUATION OF THE REPUBLIC OF CHINA ON TAIWAN IN THE INTERNATIONAL CONTEXT, BASED ON THE PRINCIPLE OF UNIVERSALITY AND IN ACCORDANCE WITH THE ESTABLISHED MODEL OF PARALLEL REPRESENTATION OF DIVIDED COUNTRIES AT THE UNITED NATIONS

Letter dated 18 July 1995 from the representatives of Burkina Faso, the Central African Republic, Costa Rica, Dominica, the Dominican Republic, Grenada, Guinea-Bissau, Saint Lucia, Saint Vincent and the Grenadines, Guatemala, Nicaragua, the Niger, Panama, Solomon Islands and Swaziland to the United Nations addressed to the Secretary-General

On instructions from our respective Governments, we have the honour to request you, pursuant to rule 13 of the rules of procedure of the General Assembly, to include an item in the agenda of the fiftieth session of the General Assembly entitled "Consideration of the exceptional situation of the Republic of China on Taiwan in the international context, based on the principle of universality and in accordance with the established model of parallel representation of divided countries at the United Nations". Pursuant to rule 20 of the rules of procedure of the General Assembly, we attach an explanatory memorandum (see annex I) and a draft resolution (see annex II). 1/

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/...

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Notes

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Annex I

EXPLANATORY MEMORANDUM

1. For a period of 22 years, from 1950 to 1971, the United Nations considered the question of the representation of two politically dissimilar entities in China. The question, which was considered against the background of political and ideological confrontation created by the cold war and its bipolar divisions, generated a certain amount of difficulty because it also involved legal, political and procedural elements which complicated the issue. In the General Assembly, some States advocated the admission of the People's Republic of China as a new Member, while the latter country and its supporters insisted that the question to be settled was the representation of China. In October 1971, at its twenty-sixth session, the United Nations General Assembly adopted resolution 2758 (XXVI), which decided that China's seat at the United Nations would be taken by the People's Republic of China on the Chinese mainland. That resolution excluded the Republic of China on Taiwan from the United Nations.

2. As a matter of fact, General Assembly resolution 2758 (XXVI) is a product of ideological confrontation during the cold war era. The resolution only provides for the international representation of Chinese people on the Chinese mainland, that is, territory under the jurisdiction of the People's Republic of China. It also deprives the representation of 21 million people under the jurisdiction of the Republic of China on Taiwan. This exclusion seriously violates the principle of universality that is the foundation of the United Nations. As a result, the Republic of China on Taiwan and its 21 million people are prevented from leading a normal life in the international community. The following are some prominent examples:

(a) International economic, trade and development cooperation: As the world's fourteenth largest trading nation and the sixth largest outbound investor, the Republic of China on Taiwan is willing to share its own development experience and achievements with the international community and has already offered to developing countries financial and technical assistance for development projects. Since 1962, the Republic of China on Taiwan has also offered vocational training courses in agriculture, land reform, industrial technique, trade, small and medium enterprises development, taxation, customs and scientific technology to approximately 7,500 trainees from 80 countries. But the Republic of China on Taiwan is still unable to join many development programmes sponsored by the United Nations Development Programme (UNDP), and participate in the International Monetary Fund (IMF) and the World Bank.

(b) International human rights cooperation: The Republic of China on Taiwan was prevented from attending international human rights activities, such as the 1993 World Conference on Human Rights held at Vienna and was excluded from helping to draft, or becoming a party to several human rights conventions, such as the Convention on the Elimination of Discrimination against Women in 1979 and the Convention on the Rights of the Child in 1989. As a result, the fundamental rights of the 21 million people of the Republic of China on Taiwan to participate in international activities and human rights conventions were continually ignored.

(c) International disaster relief and humanitarian assistance: The Republic of China on Taiwan has participated actively in international disaster relief and humanitarian aid operations. From July 1990 to March 1995, the Republic of China on Taiwan has directly or indirectly provided disaster relief and humanitarian aid of US$ 124 million to over 60 countries. But the Republic of China on Taiwan still is unable to participate in operations of the United Nations agencies, such as the Office of the United Nations High Commissioner for Refugees (UNHCR) and the United Nations Children's Fund (UNICEF).

(d) Environmental protection, sustainable development and multilateral efforts against narcotic drugs: The Republic of China on Taiwan was prevented from becoming a contracting party to international conventions on ecological and environmental protection, such as the United Nations Framework Convention on Climate Change and the Montreal Protocol on Substances that Deplete the Ozone Layer. The Republic of China on Taiwan has taken measures in ecological and environmental protection in keeping with the aforementioned international conventions, but was forced to live under the shadow of trade sanctions imposed by the Protocol. In addition, the Republic of China on Taiwan abides by the principles and spirit of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988, and is willing to play a more active role in the international campaign against drug abuse and trafficking. But the Republic of China on Taiwan can neither become a party to the convention, nor participate in its relevant activities.

3. General Assembly resolution 2758 (XXVI) does not constitute a comprehensive, reasonable and just solution to the question of representation of the Chinese people in the United Nations that arose from China's division in 1949 which continued until today for almost half a century. The division of China originates in the establishment of the People's Republic of China on the Chinese mainland by Chinese communists in 1949. Meanwhile the Republic of China, established in 1912, moved its seat of government to Taiwan and has since continued to exercise effective rule over its territories of Taiwan, Penghu (Pescadores), Kinmen (Quemoy) and Matsu. Presently, the Republic of China on Taiwan is an independent political and legal entity with a democratic system of government and its own institutions, laws, and security and defence arrangements; all these elements distinguish the Republic of China on Taiwan from the People's Republic of China on the Chinese mainland as two separate but equal political entities. Each enjoys a number of diplomatic and commercial relationships world wide and exercises exclusive full jurisdiction over a specific and separate territory. Although the division of China is unfortunate for all Chinese, it is still unpredictable as to when and under what conditions China will be reunified. Prior to the unification of China, the two independent political entities across the Taiwan Straits should respect each other in the international community and participate together on an equal footing in international organizations and activities. Such mutual respect will help to gradually build confidence between the two sides and create a favourable environment for the unification of China.

4. In the United Nations, there are precedents for parallel representation of divided countries. Former East and West Germany, as well as both North and South Korea, were admitted simultaneously into the United Nations. Of these divided countries, former East and West Germany achieved national unification in

1990, which demonstrates that parallel representation of divided countries in the United Nations does not impede eventual unification of the parties involved. On the contrary, it may help to reconstruct mutual trust between them. Currently, the Republic of China on Taiwan and the People's Republic of China are full members of the Asian Development Bank (AsDB) and the Asia-Pacific Economic Cooperation (APEC). Both are observers representing separate territories in the General Agreement on Tariffs and Trade (GATT), to which they are simultaneously negotiating accession. After their accession, they will become members of the World Trade Organization (WTO). The international community should therefore encourage and support the parallel representation of divided countries in the United Nations and all other international organizations.

5. After the horror and bloodshed of the Second World War, nations formed the United Nations; its mission was to right past wrongs and prevent future tragedy. That was 50 years ago when the founding nations, including the Republic of China, agreed to make a pact to save succeeding generations from the scourge of war and to reaffirm faith in fundamental human rights. Only within its half-life, the United Nations in 1971 excluded the people of the Republic of China on Taiwan. Twenty-five years later, the United Nations is celebrating its 50th anniversary and the Republic of China on Taiwan's 21 million inhabitants are still unrepresented. The participation of the Republic of China on Taiwan in the United Nations involves a vital issue - the United Nations integrity and viability in the upcoming twenty-first century; integrity because the collective human rights of 21 million people deserve respect; viability because the United Nations needs all the world's people to face the complex challenges of the post-cold-war era. The full participation of the Republic of China on Taiwan in the United Nations and its multilateral programmes undeniably would result in more comprehensive benefits for the promotion of international peace and prosperity.

6. In 1993 and 1994, representatives from 7 and 12 countries requested in co-signed letters to the Secretary-General (A/48/191 and A/49/144 respectively), that the General Assembly examine the exceptional situation of the Republic of China on Taiwan and its participation in the United Nations; it proposed that an ad hoc committee be established to study the issue. This proposal was only a procedural matter asking Member States to analyse the issue from a true perspective of reality and with an open frame of mind. The proposal did not preordain any position. As an open forum, the United Nations should be able to examine any issue in the international community. Preventive diplomacy prescribes that the most desirable and efficient employment of diplomacy is to ease tensions before they result in conflict. The examination of the Republic of China on Taiwan's situation by the United Nations completely conforms with the principles and spirit of preventive diplomacy. The proposed items, however, were not placed on the agenda of the forty-eighth and forty-ninth sessions of the General Assembly. But as the issue still remains, Members of the United Nations ought to consider, as early as possible, the global benefits that an ad hoc committee would produce by analysing comprehensively the exceptional situation of the Republic of China on Taiwan and its future ramifications on the United Nations and the world.

Annex II

DRAFT RESOLUTION

The General Assembly,

Recalling its resolution 2758 (XXVI) of 25 October 1971 on the representation of China at the United Nations and noting that since then, as a result of that resolution, the Republic of China on Taiwan has not been part of the Organization,

Recognizing that the Republic of China on Taiwan is a responsible member of the international community, with a stable political system and a dynamic economy, whose participation in the United Nations would benefit the international community,

Affirming the need to recognize and fully respect the fundamental rights of the 21 million Chinese, who are politically organized as the Republic of China, on the territories of Taiwan, Penghu (Pescadores), Kinmen (Quemoy) and Matsu,

Noting the declarations made by the Government of the Republic of China on Taiwan that it is willing to accept the obligations laid down in the Charter of the United Nations and to contribute to the promotion and maintenance of international peace and security,

Convinced of the need to find, in accordance with the spirit of the Charter and the principle of universality, a peaceful and voluntary solution to the problem posed by the Republic of China on Taiwan within the framework of the United Nations,

1. Decides to establish an ad hoc committee consisting of ... Member States, to be appointed by the General Assembly, whose mandate will be to analyse comprehensively all aspects of the exceptional situation and make appropriate recommendations to the General Assembly at its fifty-first session;

2. Urges all Member States to assist the committee in fulfilling its mandate.